

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #14	CCRB Case #: 201603750	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 04/24/2016 9:15 PM	Location of Incident: 1291 Sheridan Avenue	Precinct: 44	18 Mo. SOL 10/24/2017	EO SOL 10/24/2017	
Date/Time CV Reported Sun, 05/01/2016 6:59 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 05/01/2016 6:59 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Salahadine Mitchell	19104	921071	044 PCT
2. POM Cameron Foster	16887	919060	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Salahadine Mitchell	Discourtesy: Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)	
B.POM Salahadine Mitchell	Discourtesy: Police Officer Salahadine Mitchell acted discourteously toward § 87(2)(b)	
C.POM Cameron Foster	Force: Police Officer Cameron Foster used physical force against § 87(2)(b)	
D.POM Cameron Foster	Discourtesy: Police Officer Cameron Foster spoke discourteously to § 87(2)(b)	

Case Summary

On May 1, 2016, § 87(2)(b) filed a complaint online with the CCRB.

On April 24, 2016, § 87(2)(b) was double-parked on East 169th Street between Sheridan Avenue and Grand Concourse in the Bronx. § 87(2)(b) was picking up his father § 87(2)(b) who is hard-of-hearing and mute. As § 87(2)(b) was about to enter the vehicle, a marked RMP parked across the street with Police Officer Salahadine Mitchell and Police Officer Cameron Foster of the 44th Precinct. PO Mitchell exited the RMP and allegedly said, “Give me your fucking ID” to § 87(2)(b) (**Allegation A**). § 87(2)(b) handed PO Mitchell multiple identification cards. PO Mitchell allegedly said, “You know what – fuck this shit” (**within Allegation A**) and threw the unrequested cards at § 87(2)(b) (**Allegation B**). During the interaction, § 87(2)(b) tried to communicate with the officers and PO Foster exited the RMP and allegedly used physical force to push § 87(2)(b) (**Allegation C**). PO Mitchell and PO Foster drove away and returned 15 minutes later. PO Foster allegedly told § 87(2)(b) “Get the fuck back in the car” (**Allegation D**). PO Mitchell requested § 87(2)(b)'s vehicle registration. PO Mitchell gave § 87(2)(b) two summonses for disorderly conduct and double-parking (BR 01; BR 02).

Video footage was obtained from 1279 Sheridan Avenue building surveillance that shows the alleged force between PO Foster and § 87(2)(b) but there is no audio (BR 03).

This case exceeded the 90-day benchmark because the case was sent to the mediation unit on May 16, 2016, and was returned to the investigative division more than two months later because mediation was unsuccessful.

Mediation, Civil and Criminal Histories

- § 87(2)(b) and § 87(2)(b) accepted mediation on May 3, 2016. On August 9, 2016, mediation was attempted unsuccessfully and the case was returned to investigation.
- As of August 26, 2016, there has been no Notice of Claim filed with the NYC Comptroller's office regarding this incident (BR 04).
- § 87(2)(b) and § 87(2)(b) have no prior arrests in BADS with available NYSID numbers, so the undersigned investigator could not perform searches for previous convictions in the Office of Court Administration database (BR 05).

Civilian and Officer CCRB Histories

- § 87(2)(b) and § 87(2)(b) do not have any prior CCRB complaints (BR 06).
- PO Mitchell has been a member of the NYPD for 18 years and has 7 prior CCRB complaints with 10 allegations (see officer history). § 87(2)(g)
§ 87(2)(b) His history includes six Discourtesy – Word allegations, and over half of PO Mitchell's CCRB cases allege that he used profanity while giving verbal commands during traffic stops (BR 12).
 - In case #200001489, the Board unsubstantiated a Discourtesy – Word allegation of PO Mitchell allegedly saying “Move your fucking cab.”
 - In case #200502710, the Board unsubstantiated a Discourtesy – Word allegation of PO Mitchell allegedly saying “Motherfucker you need to give me that right now” in reference to a vehicle registration during a traffic stop.
 - In case #200603835, the Board unsubstantiated a Discourtesy – Word allegation of PO Mitchell allegedly saying “I don't really give a fuck about you FDNY cats” in reference to an FDNY vehicle placard during a traffic stop.

- In case #201506769, a Discourtesy – Word allegation of PO Mitchell allegedly saying, “We don’t care if your son has autism, move your fucking car” was closed as Complainant Uncooperative.
- Case #201604969 is still open and contains a Discourtesy – Word allegation of PO Mitchell allegedly saying “Get the fuck out of the truck.”
- Case #201607193 is still open and contains a Discourtesy – Word allegation of PO Mitchell allegedly saying “Get the fuck away from the truck.”
- PO Foster has been a member of the NYPD for 19 years and has 16 prior CCRB complaints with 30 allegations (see officer history). None of these allegations were substantiated; however, among them were five Discourtesy – Word allegations. The alleged remarks and contexts in which they occurred were varied.

Potential Issues

- Due to § 87(2)(b)'s disability, he provided a typed and notarized sworn statement in lieu of an interview. § 87(2)(g)

Findings and Recommendations

Allegation A -Discourtesy: Police Officer Salahadine Mitchell spoke discourteously to § 87(2)(b)

According to § 87(2)(b) he was doubleparked with hazard lights on in the driver seat of his white Toyota Corolla on the north side of East 169th Street between Sheridan Avenue and Grand Concourse in the Bronx and waiting to pick up § 87(2)(b). Five minutes after § 87(2)(b) entered the doubleparked position, a marked RMP approached on the opposite side of East 169 Street and stopped across the street from § 87(2)(b)'s vehicle. PO Mitchell was sitting in the driver seat and PO Foster was sitting in the passenger seat. PO Foster pointed at § 87(2)(b) and moved his finger left and right, motioning for him to move his vehicle. PO Mitchell rolled down the driver side window of the RMP and told § 87(2)(b) “Move your car.” § 87(2)(b) told PO Mitchell, “Just a second officer, my father is coming inside the vehicle” and pointed at his father § 87(2)(b). PO Mitchell and PO Foster exited the RMP. PO Mitchell approached § 87(2)(b)'s car and told § 87(2)(b) “Give me your fucking ID” and said, “Whenever a fucking cop tells you to move you better fucking move your car.” § 87(2)(b) was shaking, reached for his wallet and produced his driver license along with his Chase card and a PBA card. In reference to the PBA card, PO Mitchell said, “Who is this?” § 87(2)(b) began to explain that it was his § 87(2)(b) before PO Mitchell said, “You know what – fuck this shit” and “I’m tired of this shit” (BR 08).

According to § 87(2)(b) PO Mitchell pulled up next to § 87(2)(b)'s car in a marked RMP and told § 87(2)(b) to move. § 87(2)(b) then pointed to § 87(2)(b) to explain that he was entering the car. PO Mitchell exited the RMP and approached § 87(2)(b) aggressively. § 87(2)(b) provided multiple identification cards, and PO Mitchell looked furious and threw the extra cards at § 87(2)(b) (BR 07).

According to PO Mitchell, after § 87(2)(b) did not move his car after multiple verbal commands he said, “Give me your license and registration.” PO Mitchell did not recall if § 87(2)(b) produced extra documentation beyond what PO Mitchell requested, nor if § 87(2)(b) presented PO Mitchell with a PBA card. PO Mitchell denied returning any documents to § 87(2)(b) before responding to the emergency call. PO Mitchell denied saying, “Give me your fucking ID,” “I’m tired of this shit,” “Fuck this shit” or using any profanity with § 87(2)(b) (BR 09).

PO Foster's account largely corroborates that of PO Mitchell's. PO Foster did not recall PO Mitchell saying any of the alleged discourtesies or using any profanity during the incident (BR 10).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation B -Discourtesy: Police Officer Salahadine Mitchell acted discourteously to § 87(2)(b)

According to § 87(2)(b) he produced his driver license along with his Chase card and a PBA card for PO Mitchell. After saying "You know what – fuck this shit" PO Mitchell threw the Chase card and PBA card at § 87(2)(b) with the cards landing on his lap (BR 08).

According to § 87(2)(b) PO Mitchell pulled up next to § 87(2)(b)'s car in a marked RMP and told § 87(2)(b) to move. § 87(2)(b) then pointed to § 87(2)(b) to explain that he was entering the car. PO Mitchell exited the RMP and approached § 87(2)(b) aggressively. § 87(2)(b) provided multiple identification cards, and PO Mitchell looked furious and threw the extra cards at § 87(2)(b) (BR 07).

According to PO Mitchell, § 87(2)(b) produced only the requested documentation of license, insurance and registration. PO Mitchell did not recall if § 87(2)(b) produced extra documentation beyond what PO Mitchell requested, nor if § 87(2)(b) presented PO Mitchell with a PBA card. PO Mitchell denied returning any documents to § 87(2)(b) before responding to the emergency call (BR 09).

According to PO Foster, he did not exit the RMP until § 87(2)(b) approached PO Mitchell, and thus was not able to observe the entirety of PO Mitchell's encounter with § 87(2)(b). PO Foster did not recall § 87(2)(b) giving a PBA Card to PO Mitchell (BR 10).

§ 87(2)(g)

Allegation C -Force: Police Officer Cameron Foster used physical force against § 87(2)(b)

According to § 87(2)(b) PO Foster approached § 87(2)(b) who had finished parking the second vehicle and was standing in front of § 87(2)(b)'s vehicle towards the passenger side. § 87(2)(b) tried to sign to both officers that § 87(2)(b) was his son. PO Mitchell said to PO Foster, "Chill out, he's deaf." § 87(2)(b) briefly turned to look at PO Foster and § 87(2)(b) and saw PO Foster step back away from § 87(2)(b) who was trying to approach PO Mitchell. § 87(2)(b) did not see PO Foster make contact with § 87(2)(b) but was later told by § 87(2)(b) that PO Foster extended his hand as a warning to

stop § 87(2)(b) and blocked his movement towards PO Mitchell. After the incident, § 87(2)(b) told § 87(2)(b) that as he tried to approach PO Mitchell, PO Foster pushed him back on his chest. § 87(2)(b) indicated that the motion “wasn’t hard” and that it “was a ‘stay back’ kind of motion.” § 87(2)(b) had pointed towards his ear to indicate he was deaf (BR 08).

According to § 87(2)(b) as he approached PO Mitchell and “was trying to explain”, PO Foster “was pushing me back making it harder for me to express myself” (BR 07).

According to PO Mitchell, § 87(2)(b) advanced towards PO Mitchell and PO Foster in the area rear of § 87(2)(b)s vehicle. PO Foster issued a command to § 87(2)(b) to stop, and § 87(2)(b) gestured in response. The closest distance PO Foster and § 87(2)(b) came was one foot apart (BR 09).

PO Foster’s account largely corroborates that of PO Mitchell’s. § 87(2)(b) stepped off the sidewalk and approached § 87(2)(b)s vehicle. PO Foster exited the RMP, approached § 87(2)(b) and commanded and gestured for him to stop. § 87(2)(b) at first did not comply with PO Foster’s command and kept approaching. PO Foster could not recall the closest distance § 87(2)(b) stood from PO Foster during this interaction. PO Foster did not remember if he touched § 87(2)(b) but denied striking, shoving or pushing him (BR 10).

SnagIt 1 embedded below shows the moment of the alleged push of § 87(2)(b) by PO Foster (BR 11).



201603750_20160824_0832_DM.mp4

On the left side of the frame, the video footage shows that PO Foster approached § 87(2)(b) and pointed towards the sidewalk, but does not show any contact made between the two. § 87(2)(g)

Allegation D -Discourtesy: Police Officer Cameron Foster spoke discourteously to § 87(2)(b)

According to § 87(2)(b) 20 minutes after the initial stop, PO Mitchell and PO Foster returned in the marked RMP and parked behind § 87(2)(b)s car. § 87(2)(b) and § 87(2)(b) exited the Toyota Corolla and stood behind the car’s rear. PO Mitchell approached § 87(2)(b) and said, “Give me your registration.” PO Foster said, “Get the fuck back inside your car” to § 87(2)(b). PO Mitchell returned to the RMP to write the summonses. PO Mitchell gave § 87(2)(b) two summonses, one for disorderly conduct and one for double parking. PO Mitchell and PO Foster reentered the RMP and drove away (BR 08).

According to § 87(2)(b) when PO Mitchell and PO Foster returned they “came towards my son aggressively” and “did not acknowledge me at all” (BR 07).

According to PO Mitchell, PO Foster did not issue any commands during the second stop. PO Foster did not say, “Get in the fucking car” or use any profanity during the incident (BR 09).

According to PO Foster, he did not recall issuing any commands during the second stop but denied saying “Get back in the fucking car” to § 87(2)(b) (BR 10).

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]

Squad: 14

Investigator: _____ _____ _____
 Signature Print Date

Squad Leader: _____ _____ _____
 Title/Signature Print Date

Reviewer: _____ _____ _____
 Title/Signature Print Date